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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD (PARTIAL)* OF THE 288th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 May 1996, at 10.30 a.m.

Chairman: Mr. BELEMBAOGO

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* No summary record was prepared for the rest of the meeting.

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GE.96-16420 (E)

The meeting was called to order at 10.45 a.m.

OPENING OF THE SESSION

1. The CHAIRPERSON declared the twelfth session of the Committee open.

STATEMENT BY THE HIGH COMMISSIONER FOR HUMAN RIGHTS

2. Mr. AYALA LASSO (High Commissioner for Human Rights) said he attached high priority to the promotion and protection of the rights of the child and to the vital role of the Committee in that work. He welcomed the encouraging outcome of the pledging conference for the execution of the action plan to reinforce the implementation of the Convention on the Rights of the Child.

3. The United Nations was undergoing a serious financial and budgetary crisis whose impact on the activities of the secretariat was not yet absolutely clear, but which had already led to a freeze on recruitment, some post cuts and other restrictions, especially in the area of documentation. Nevertheless, those difficulties had not hindered efforts to ensure the follow-up of the Committee's recommendations, as shown by the mission to Viet Nam in March, as part of the advisory services of the Centre for Human Rights. At the suggestion of the Committee, the role of that mission, in which the Rapporteur of the Committee had participated, had been to map out the assistance needed by the Vietnamese Government in the area of the administration of juvenile justice. Another mission, to the Philippines, was currently being prepared, in accordance with the Committee's recommendations.

4. At its fifty-second session, the Commission on Human Rights had held a detailed discussion on the question of the rights of the child and had adopted a resolution on the matter. In particular, welcoming the constructive role played by the Committee, it had asked States parties to cooperate closely with the Committee, and emphasized the importance of providing training on the rights of the child to the relevant professionals. The Commission had invited the Committee to give its views on the draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and to be represented at future sessions of the working group responsible for the draft; it had also invited the Committee to cooperate in the study by Mrs. Graça Machel on the impact of armed conflicts on children. In addition, the Commission had requested the Secretary-General to transmit to the Committee, for comments, the report of the working group on the draft optional protocol on the sale of children, child prostitution and child pornography, and had requested the working group to carry on with its work in close cooperation with the Committee. Finally, it had noted the recommendations of the Committee on the question of child labour, it had recommended that the Committee should continue to tackle the problem of the exploitation of child labour and the problem of street children, and it had also expressed concern about the situation of girls, refugee children and displaced children.

5. At the same session, the Commission had adopted other resolutions of interest to the Committee, notably those on the traffic in women and girls and on human rights in the administration of justice, in particular of children and juveniles in detention. Lastly, in its resolution on the effective

implementation of international human rights instruments, the Commission had taken note of the conclusions and recommendations of the 6th meeting of persons chairing the human rights treaty bodies, and had noted the possible benefits for the Committee of setting up a database system, which was due to become operational shortly.

6. He also mentioned that the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee against Torture and the Committee on Economic, Social and Cultural Rights had held, respectively, their forty-eighth, fifty-sixth, sixteenth and fourteenth sessions since the previous session of the Committee on the Rights of the Child. A number of the reports considered at the various sessions of those bodies dealt with countries in which the Committee would also be taking an interest, either at the current session or in the near future, namely Zimbabwe, Guatemala, Mauritius, Nigeria, China and Paraguay. The consideration of the report of Nigeria by the Human Rights Committee had taken place within the framework of the early warning procedure developed by that Committee. A similar procedure had been used by the Committee on the Elimination of Racial Discrimination, notably in its adoption of decisions and declarations on Bosnia and Herzegovina and Rwanda and on the terrorist attacks in Israel. As for the Committee against Torture, an increasing proportion of its work had been devoted to the study of individual communications and it had intensified its action with respect to article 20 of the Convention against Torture concerning the inquiry procedure. As for the Committee on Economic, Social and Cultural Rights, it had held a general debate on the draft optional protocol relating to the relevant Covenant.

7. In conclusion, he assured the Committee of his full support for its work.

8. Mr. HAMMARBERG reminded the Committee that it was very much behind schedule in its consideration of reports; there was currently a gap of just over a year between the submission of a report and its consideration. Yet unless the Committee reacted quickly to the steps taken and proposals made by States parties, valuable momentum would be lost. He also requested details on the current financial situation and the total amount of already pledged or expected contributions to put into effect the plan of action for the implementation of the Convention.

9. Mr. AYALA LASSO (High Commissioner for Human Rights) said he would supply the members of the Committee with an up-to-date report as soon as possible on the pledges for the implementation of the plan of action. On the question of the budgetary problems faced by the United Nations, the Centre for Human Rights was currently being restructured. He was determined that that restructuring should allow the Centre, after the necessary period of adaptation, to meet the needs of the various treaty bodies by providing them with a more effective mechanism for their work.

10. The CHAIRPERSON thanked the High Commissioner for Human Rights for his efforts to secure cooperation between the Committee on the Rights of the Child and the technical assistance branch by involving experts from the Committee in technical programme identification activities, thereby ensuring that recommendations were acted upon. She also thanked the Centre for Human Rights, which was financing the participation of one of the members of the

Committee, Mrs. Sardenberg, in the United Nations Conference on Human Settlements (Habitat II), as well as her participation in a working group organized by the Centre in January 1996.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda)

11. The provisional agenda (CRC/C/52) was adopted.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2)

12. Mrs. RAADI-AZARAKHCHI (Secretary of the Committee) announced that, si its previous session, the Committee had received the reports of the Democra People's Republic of Korea, Trinidad and Tobago, Togo, the United Kingdom o Great Britain and Northern Ireland (on Hong Kong), the Czech Republic, the Maldives, Ireland, Sierra Leone and the Federated States of Micronesia, bringing the total number of reports received to 85 (83 if account was take of the fact that two of those reports were to be reconsidered). Of that total, 50 reports had already been considered, two of them (Paraguay and Rwanda) only partially.

13. The CHAIRPERSON invited Committee members to hold private consultatio immediately after the meeting rose.

The meeting rose at 11.05 a.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twelfth session

SUMMARY RECORD OF THE 289th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 20 May 1996, at 3 p.m.

Chairperson: Ms. BELEMBAOGO

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CONSIDERATION OF REPORTS OF STATES PARTIES

Initial report of Lebanon

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GE.96-16442 (E)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4)

Initial report of Lebanon (CRC/C/8/Add.23)

1. At the invitation of the Chairperson, Mr. Moallem, Ms. Georgiadis and Mr. Khalil (Lebanon) took places at the Committee table.

2. Mr. KHALIL (Lebanon) said that the Higher Council for Childhood, of wh he was Secretary-General, had been set up on 6 April 1994 by the Council of Ministers, to meet the needs of a modern developed State. It was chaired b the Minister of Social Affairs and included representatives of all bodies working with children in both the private and the public sectors, of international organizations and of all the relevant ministries. All representatives had equal voting powers. The Council's work, though subsidized by the Ministry of Social Affairs, was undertaken by the private sector. Lebanon had prepared a fuller report than that already submitted, which it would pass on to the Committee in due course.

3. The CHAIRPERSON invited the Lebanese delegation to reply to the quest on the Committee's list of issues (CRC/C.11/WP.7) to be taken up in connect with the consideration of the report.

4. Mr. KHALIL (Lebanon), referring to the status of the Convention in th event of a conflict with national legislation, said that since 1993 all international instruments signed by his country took priority over national legislation. Secondly, the study reviewing the compliance of national legislation with the provisions and principles of the Convention had confir that all those principles were embodied in Lebanon's legislation. Implementation, however, was harder to achieve because of lack of resources The Higher Council was particularly anxious to update the provisions relati to the minimum working age: currently, an eight-year-old could form part o the labour force. Consideration of the matter by the legislature had been temporarily halted in view of the recent Israeli massacre in his country, b the hope was that the minimum working age would be raised to 14.

5. Ms. GEORGIADIS (Lebanon), Director of Social Services at the Ministry Social Affairs, said, in response to the question about the collection of statistical data, that with the assistance of the United Nations Developmen Programme (UNDP), a study of 70,000 families had been carried out to learn more about the problems faced by Lebanon with regard to illiteracy, unemployment and child labour. Of those families, 7,000 would form the bas for a study of maternal and child health. The Ministry of Social Affairs w also conducting research into the number of handicapped children and adults the data collected in 1990 were out of date.

6. Mr. KHALIL (Lebanon) said, in relation to the "possibility of establishing a national institution, such as an ombudsman for children, to further assist in the monitoring of the application of the rights of the child", that the Higher Council for Childhood had been established precisel to act as intermediary between children and the private sector. Further measures were still under consideration.

7. With regard to the implementation of article 4 of the Convention to the "maximum extent of ... available resources", he said that the Government had recognized the principles of the Convention. The country had, however, undergone 20 years of war, following which resources that should have gone to social services had gone to rebuilding the economy and infrastructure. The situation had been made worse by the recent Israeli aggression against his country, which had caused extensive damage.

8. Ms. GEORGIADIS (Lebanon) said that the Government's policy was to decentralize social services. Headquarters would remain in Beirut, but the number of service centres around the country would be raised to bring them within the reach of everybody.

9. Mr. KHALIL (Lebanon) said that measures to teach professional groups, decision-makers and Government officials about the Convention included round tables and training courses, the results of which were published. A similar course, lasting 18 months, was planned, in association with the United Nations Children's Fund, to teach children and teachers the principles of the Convention. As for publicizing the Convention, several meetings, notably round tables, had been held in the current year, with the participation of the private sector, dealing with the environment, the family, disabled children and orphans. Features had also appeared on television, the radio and other media. A projected booklet on the Convention had regrettably not yet been published for lack of funds. A report by the Higher Council on the family environment and alternative care, to which it attached particular importance, had been circulated to all communities and all relevant representatives of the private sector, who in turn had disseminated it still more widely. Non-governmental organizations had also received copies of the report.

10. Mr. HAMMARBERG asked for more detailed replies to the list of issues. Specifically, he wished to know whether the provisions of the Convention had been invoked in court; such information gave a useful indication of how far the Convention had been incorporated into the judicial system. While welcoming the various surveys that had been carried out, he said that the aim should be to establish a systematic method of obtaining such data and he wondered whether that had been achieved, through either the education system or the health system. Statistics, including disaggregated data, were essential.

11. With regard to the national strategy for monitoring the implementation of the Convention, the establishment of the Higher Council was clearly an important step, but the Government itself should act more forcefully to make the Convention a reality; non-governmental organizations could not be expected to carry an excessive burden.

12. With regard to the resources allocated to the rights of the child, he reiterated the Committee's concern in the light of Mr. Khalil's statement. He also asked for more information about the nature of the "fuller" report mentioned by Mr. Khalil.

13. Mrs. EUFEMIO asked for more information on the monitoring of the implementation of the Convention. She wished to know by whom it was monitored and what the monitoring process involved at grass-roots level. She suggested

that the Higher Council should extend the existing UNDP study to cover children in difficult circumstances, such as refugee children, children who had been abandoned and those in conflict with the law. She also asked whether the country had enough doctors, social workers and teachers. If not, she wondered what remedial measures were envisaged. Would plans and targets be set up? How would the necessary funds be raised, and how soon? Given that resources were currently insufficient, she wondered whether the Government had considered employing paramedical and other social workers who had attended short training courses.

14. Mrs. KARP said she would welcome further information concerning the status of the Higher Council for Childhood. In that connection, she would like to know how the Council reacted to information provided by NGOs.

15. Lastly, she asked whether under the Constitution individuals could apply to the courts regarding the infringement of their rights.

16. Miss MASON regretted the absence of written replies to the issues raised by the Committee. She too would like to know whether there was any difference between the parliamentary committee and the Higher Council for Childhood and whether the former had been superseded by the Higher Council. She also wondered how, if international treaties took precedence over national legislation, children aged 8 could be allowed to work since that would seem to be inconsistent with the Convention, and with ILO Convention No. 138.

17. She wondered what portion of the national budget was earmarked for human development, in view of the statement that most of the country's resources were being devoted to developing the economic infrastructure.

18. She would also like to know what consideration was being given to the establishment of a national institution such as an ombudsman for children.

19. Mr. KOLOSOV, noting that it would soon be five years since the entry into force of the Convention in Lebanon, said he would like to know whether, in the opinion of the delegation, the Convention had been instrumental in improving the status of children in Lebanon during that period.

20. He also wondered whether the religious leaders and communities involved in the implementation of the Convention were aware of the existence of the State's obligation with respect to all the children in the territory of Lebanon.

21. Mrs. GEORGIADIS (Lebanon) said that there was a sufficient number of doctors in Lebanon, but that they were usually in the capital and other major cities. Some of the projects concerning children would require a larger number of social workers and a training centre had been set up for that purpose before the war. It had been demolished during the war and was currently being rebuilt. Her department trained social workers who would return to their home areas once they had completed their training.

22. Mr. KHALIL (Lebanon) said that juvenile courts had begun to adopt the principle of giving the Convention on the Rights of the Child precedence over national legislation.

23. With regard to the problem of the lack of statistics, he said that the Ministry of Social Affairs and the United Nations Population Fund were conducting a joint statistical study, the results of which should be available shortly and would provide a sound statistical basis for dealing with social problems.

24. With regard to budget appropriations, he said that, while great importance was attached to human development in Lebanon no Government in the world would concentrate on programmes for implementing the Convention and neglect other sectors.

25. The Higher Council for Childhood had not replaced any institution. Under its rules of procedure, priority was always given to joint activities with the private sector. With regard to the submission of reports by NGOs to the Council, he said that the Council welcomed any report from the private sector which, together with NGOs, was represented on the Council.

26. The parliamentary committee still existed and dealt with questions of child labour. In that regard, he said that a proposal had been made to raise the minimum age at which young persons could enter the labour force from 8 to 14 years of age. In that connection, he noted that article 32, 2 (a) of the Convention did not mention any specific age for admission to employment, but left it up to each State to indicate the minimum age it considered appropriate.

27. With regard to the question of financial support, he said that the provision of compulsory free education to all Lebanese was being hampered by the fact that many schools had been destroyed during the war. The situation had been made worse by the recent Israeli aggression in the south of the country.

28. Mr. HAMMARBERG said that although the representative of Lebanon had been correct to point out that article 32 of the Convention did not specify the minimum age for children to enter employment, it did pointedly refer to the "relevant provisions of other international instruments", which surely referred to instruments such as ILO Convention No. 138.

29. He agreed that in the case of Lebanon, the heritage of 20 years of war as well as the impact of the recent bombing attacks, which had killed many children, should not be underestimated and that, without adequate infrastructure, it would be difficult to implement the rights of children in Lebanon. However, the interests of children did not seem to be high on the list of priorities of the decision-makers in Lebanon. He asked what specific measures were being taken in favour of children. He accepted that there were problems in getting reliable statistics, but wanted to know if children's development was getting a fair share of the budget. He also wondered if the problem of sharing responsibility for children between the State and the private sector had been discussed systematically.

30. He asked if the Higher Council published annual reports, as a straightforward description of the situation in Lebanon would be of great help in identifying problems and stimulating the search for answers.

31. Mrs. KARP asked if the elimination of the word "illegitimate" from identity cards had been the result of action by the Higher Council, and what the priorities of the Council were. She also asked how the possible conflict between pluralism and personal status was being resolved in, say, the Muslim community, and whether infringements of individual rights were corrected by constitutional courts.

32. Mr. KOLOSOV asked whether religious leaders were aware of the Convention, and what achievements could be pointed to as evidence of its usefulness in the five years since its entry into force. He asked if any particular articles had proved useful in improving the lives of children or whether, on the contrary, societal attitudes had hindered implementation of the Convention.

33. Mr. KHALIL (Lebanon) said that Lebanon had not ratified ILO Convention No. 138, although it had ratified other ILO conventions on, for example, dangerous maritime work.

34. Despite financial pressures, the Lebanese budget did benefit children, for example, through the building of welfare and medical centres and 100 new creches.

35. There was no conflict in the distribution of tasks between the public and private sectors. Lebanon had a long history of successful private initiatives, which included the provision of assistance to the victims of Israeli aggression. The Higher Council also worked with both the public and private sectors, for example, in helping the 50,000 people displaced as a result of the recent Israeli attacks.

36. He said that the Higher Council did produce an annual report and he undertook to send the two available reports to the Committee immediately upon returning to Beirut. The overriding priority of the Council was to protect children from the dangers of delinquency. Vagrant street children were a major problem, which was being addressed by various civil associations, as well as by the Ministry of Social Affairs and the Council. Other priorities included the prohibition and limitation of child labour and the building of more crèches.

37. Lebanon did not have a constitutional court. It did, however, have a Constitutional Council, made up of senior magistrates.

38. All religious leaders and schools had been given copies of the Convention. There was no conflict between religious freedoms and the operation of the civil courts.

39. Several instances of the implementation of the Convention were described in the annual reports of the Higher Council, including the organization of round tables on ecological education and on the family. In order to deal with the problem of child labour, the number of inspectors had been greatly increased. The Council was also working on the problem of the economic exploitation of children. On the question of ensuring that standards were established by competent authorities the Supreme Council had been set up by the Lebanese Government for that very purpose.

40. Lebanon was not able to provide sufficient resources for education, health and employment, but it was trying to allocate a fair proportion of the available budget to social needs. Money had also to be found to extend the roads and infrastructure to remote areas; land would be expropriated, and foreign organizations allowed to build roads and recover their investment by tolls. Any technical assistance from organizations such as UNICEF would be welcome; unfortunately, as Lebanon was no longer considered a case of emergency now that the war had ended, UNICEF's budget appropriation for the country had been cut. The World Food Programme (WFP) had done much to help orphans and children in difficult situations but that help was due to end in 1996, at a time when it was still much needed. The United Nations Development Fund for Women (UNIFEM) and the United Nations Development Programme (UNDP) also had projects in progress, to assist children in a family environment and avoid putting them in institutions.

41. Referring to questions 9 and 10 of the list of issues concerning the definition of the child, he said that, under Lebanese law, the age of reason was 13 years, the age of sexual majority was 20, the minimum age for civil rights was 18 and for political rights, 21. The minimum legal ages for marriage and inheritance varied according to the customs of each community. There was no minimum legal age for owning property. A judge could grant civil rights to a person under 18 years of age, for example to allow a child of 16 to manage a parent's business. Those ages were the same for boys and girls.

42. A child under the age of seven could not be held criminally responsible. Between the ages of 7 and 18, children could not be punished in the same way as adults, but were subject to social protection measures and discipline: funds were needed for the rehabilitation institutions used for that purpose.

43. Mr. KOLOSOV asked why the separation of a child from parents was considered an offence punishable by imprisonment. Was the law intended to punish abductors? He found the age of seven far too low as a minimum age for criminal responsibility. If a child of eight or nine committed a crime and was sent to a rehabilitation institution, did that amount to separation from the child's parents and, if so, would it somehow be punishable by imprisonment?

44. Mrs. KARP asked whether the Higher Council for Childhood was taking steps to amend the Personal Status Law to standardize ages for marriage and inheritance in Lebanon. What was being done to change attitudes towards early marriage?

45. Miss MASON said that there seemed to be great confusion with regard to the definition of the child in Lebanon, not least in paragraphs 5 (b) (ii) and (iii) of the report. The delegation should clarify the definition in all the areas mentioned therein. It should also explain the roles of the Higher Council for Childhood and the parliamentary committee mentioned in paragraph 14 of the report and whether one took precedence over the other in certain matters.

46. Mr. KOLOSOV asked whether Palestinian boys were considered to be under the jurisdiction of Lebanon and what rules governed the conscription of Palestinian and Lebanese boys respectively. He also asked for clarification

of paragraph 6 of the report of Lebanon which, far from clarifying the definition of the child, made it more confusing by introducing the concepts of juvenile, adolescent and young person.

47. Mrs. EUFEMIO asked at what age children were entitled to freedom of opinion and whether, in the event of their parents' divorce, children were allowed to choose which parent they would live with.

48. Mr. KHALIL (Lebanon), replying to the question on the removal of children from their parents, explained that the person responsible for removing the child would be punished, not the child.

49. With regard to questions on the age of criminal responsibility, only children over 12 years of age were sent to institutions for minors. Efforts were made to keep children between 7 and 12 with their families. Social workers visited child offenders to monitor their behaviour and development. Similar monitoring and supervision was provided for children between 12 and 15 years.

50. The Civil Code of Lebanon stipulated that majority was attained when a person reached the age of 18, with marriage the only exception to that provision. Religious freedom was guaranteed pursuant to article 10 of the Constitution of Lebanon. Religious communities were therefore at liberty to determine at what age a child could marry. Lebanon did not plan to introduce legislation to curb religious plurality. Civil marriage did not exist in Lebanon. However, under private international law, if Lebanese citizens married outside the country, the marriage would be recognized. According to Lebanese legislation, young people could undergo medical examinations before marriage, and certain communities and associations offered programmes to prepare them for marriage.

51. The Higher Council for Childhood and the parliamentary committee worked together on such questions as raising the minimum working age of children. They were not designed to replace one another. The role of the committee, which did not include non-governmental organizations (NGOs), was to ensure that legislation on children was implemented.

52. Military service in Lebanon was not compulsory for children under 18 years of age, and children under 18 could not join the army, which was higher than the age limit stipulated in the Convention. Military service was compulsory only for Lebanese citizens, which therefore excluded Palestinians. Not all legislative provisions applied to Palestinians, as their presence in Lebanon was temporary.

53. A child was considered to be any human being under the age of 18 years. However, the question of whether a child of 8 years who was found guilty of stealing and a child of 17 guilty of the same crime should be given the same punishment had made it necessary to classify children further according to age, as could be seen in paragraph 6 of the report. The actual terms used, such as juvenile or adolescent, had no legal weight and could be disregarded.

54. Article 13 of the Lebanese Constitution stated that every citizen had the right to freedom of expression, which was in line with the Convention.

However, according to the Constitution, children under 16 did not have the right of association. The Higher Council for Childhood was looking into the situation and would consult with the Ministry of the Interior as to whether the age could be changed.

55. In the event of the parents' divorce, children could be consulted as to custody, although it was the judge who ultimately decided, sometimes on the basis of a social worker's report, whether the child should live with the father or the mother.

56. Miss MASON, referring to paragraph 14 of the report, asked what was meant by "vagrancy" under Lebanese law and who would be targeted by the campaign.

57. Mr. HAMMARBERG asked for an explanation of the situation of children who had been born in Lebanon but who were not seen as Lebanese citizens and for clarification as to the State's responsibilities toward Palestinian children.

58. Mr. KHALIL (Lebanon) said that vagrants were people who begged or sold worthless objects in the street. Vagrancy was prohibited for both adults and children, although children found guilty of vagrancy received correctional punishment, while adults were given custodial sentences.

59. Lebanese citizenship was available to anyone whose father was Lebanese, or who had been born on Lebanese territory.

60. Mr. MOALLEM (Lebanon) said that education and health services were open to all people in Lebanon, including Palestinian children.

The meeting rose at 6 p.m.